

ESTTA Tracking number: **ESTTA341413**

Filing date: **04/08/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051532
Party	Plaintiff PictureCode, LLC
Correspondence Address	Katherine Klammer Madianos 3606 Enfield Road Austin, TX 78703 UNITED STATES katherine@madianoslaw.com
Submission	Other Motions/Papers
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Date	04/08/2010
Attachments	Notice of Filing of District Court Case.pdf (2 pages)(10067 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3,321,797
Mark: DIGITAL NINJA
Issued: October 23, 2007

PICTURECODE, LLC,

Petitioner,

v.

JUAN B. MELENDEZ III

Respondent

Cancellation No. 92051532

**NOTICE OF FILING OF
RELATED ACTION IN U.S.
DISTRICT COURT**

TO THE BOARD:

PLEASE TAKE NOTICE that on March 19, 2010, PictureCode LLC filed a complaint in the United States District Court for the Western District of Texas against Respondent Juan B. Melendez III and his licensee, Digital Ninja, LLC (the “District Court Action”). The action is entitled *PictureCode, LLC v. Digital Ninja, LLC; Juan B. Melendez III*, Case No. A10CA 188 LY. In the District Court Action, PictureCode seeks damages and injunctive relief for infringement under the Lanham Act and infringement and unfair competition under state law; Picture Code also seeks an order cancelling Melendez’s trademark registration.

Dated: April 8, 2010

Respectfully Submitted,

/Kenneth G. Parker/

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Attorneys for Petitioner

Certificate of Service

Pursuant to 37 C.R.F. § 2.119 (a), I hereby certify that a true and complete copy of the foregoing document has been delivered to Respondent at his e-mail address pursuant to an agreement to accept electronic service documents.

/Kenneth G. Parker/

Kenneth G. Parker, Esq.
Attorney for PictureCode, LLC